

REMARKS/ARGUMENTS

I. Status of the Claims

After entry of this amendment, claims 1-18 are currently pending. Claims 1-4, 6-8 and 18 are under consideration. Claim 5 is cancelled. Claims 9-17 are withdrawn. Claims 1 and 3 are amended. The amendments do not introduce new matter or raise new issues that would require further consideration and/or search.

II. The Invention

The present invention relates to quinolones and compounds related to quinolones. One use of these quinolones and compounds thereof is for the inhibition of viruses, *e.g.*, HIV. The invention further relates to methods of making these compounds, methods of identifying the efficacy of these compounds, and methods of using these compounds to inhibit or prevent HIV infection and related disease states such as AIDS.

III. The Amendments

In claims 1 and 3, the terms “substituted or unsubstituted heteroaryl” and “substituted or unsubstituted heterocycloalkyl” have been deleted. The claims have been amended in order to comply with elected Group I from the Examiner’s Restriction Requirement.

IV. Teleconference Summary

Applicants thank Examiner Desai for taking time on Tuesday, April 19, 2005 to discuss this Office Action. During that teleconference, the Applicant’s representative and the Examiner discussed the claim amendments which would be necessary in order to gain allowance for claims 1-4, 6-8 and 18. The claim set has been amended according to the Examiner’s wishes and is provided on pages 2-6 above.

The Applicant’s representative and the Examiner also discussed rejoinder of method claims 9-17 upon allowance of product claims 1-4, 6-8 and 18.

As the Applicant's representative stated in the teleconference, claims 9-17 are all dependent from product claim 1, which is now in condition for allowance. Since the underlying amended product claim is now in condition for allowance, methods of using said product (such as those disclosed in claims 9-17) should be in condition for allowance as well. MPEP § 821.04.

The Examiner also stated that if she grants rejoinder, this grant would only extend to method claims disclosing the use of the allowed compound for treating a single disease. Under this construction, Applicants admit that method claims 9-10 and 12-17 should be rejoined since they are all directed to the treatment of a single disease (HIV). However, Applicants are unaware of the MPEP section that authorizes this construction of rejoinder. Applicants respectfully request the Examiner to bring this MPEP section to the Applicants' attention. In the absence of such MPEP authorization, the rejoinder of all method of use claims which contain all of the elements of allowed product claims is proper and should be allowed. Therefore, Applicants respectfully request the rejoinder of claims 9-17.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



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